THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 17601 of 2006

Dated: 15-11-2006

Between:

Sankarapu Vijaya Kumar

..... PETITIONER

AND

The District Collector,
Collectorate Building,
Chittoor and two others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 17601 of 2006

O R D E R:

This writ petition is filed seeking a declaration that the action of the respondents in not issuing the correct caste certificate according to the provisions contemplated in the Andhra Pradesh (Schedule Caste, Schedule Tribes and Backwards) Regulation of Issue of Community Certificates Act, 1993 (Act 16 of 1993) is arbitrate and illegal.

The petitioner states that as a matter of fact, he belongs to 'Dasari' caste, which is recognized as backward class BC-A in the State of Andhra Pradesh, however, in the school records by mistake his caste was recorded as 'Perikabalija' instead of Dasari. Having realized the said mistake, the petitioner made a representation dated 26-11-2005 for correction of the entry in the school record with regard to his caste as Dasari. Aggrieved by the inaction on the part of the respondents in considering the said request, this writ petition has been filed.

The District Collector, Chittoor filed a counter affidavit stating that in pursuance of the representation made by the petitioner, the matter was referred to Sub-Collector of Madanapalli for detailed enquiry and said enquiry revealed that the forefathers of the petitioner belong to Dasari community and the Headmaster, MPES, Bandakadapalli village recorded the petitioner's caste as Perikabalija by mistake. It is stated that the Mandal Revenue Officer, Yerravaripalem has recommended for change of the petitioner's caste from Perikabalija to Dasari as per the Revenue enquiry and even the said Collector, Madanapalli recommended for the change of the entry in the school

records of the petitioner.

However, having regard to certain lapses on the part of the petitioner in furnishing the documents such as the service details of his father and the elementary school certificates, the matter is still pending before the Mandal Revenue Officer, Madanapalli. It is stated that the third respondent was already instructed to send further report of compliance with the above defects pointed out and the report from the third respondent-Mandal Revenue Officer is still awaiting.

Having regard to the stand taken by the respondents in the counter affidavit, no further enquiry is necessary in this writ petition.

Accordingly, the writ petition is disposed of with a direction to the third respondent-Mandal Revenue Officer to submit a report as expeditiously as possible preferably within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the respondents shall take the necessary further action as per the provisions of the Act 16 of 1993 for issuing the correct caste certificate as sought by the petitioner. No costs.

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G. ROHINI, J

Dated: 15-11-2006

Note: Issue C.C. in two days

B/o

KLP